

AN ORDINANCE

97844

AUTHORIZING PAYMENT UNDER AN EXISTING ON-CALL PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$147,539.00 FROM CERTIFICATES OF OBLIGATION TO EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P., FOR REMEDIAL ENVIRONMENTAL CONSTRUCTION SERVICES ASSOCIATED WITH THE MISSION TRAILS PACKAGE II PROJECT, LOCATED IN COUNCIL DISTRICT 3, APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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WHEREAS, a previously executed on-call Professional Services Agreement with Eagle Construction and Environmental Services, L.P., (Eagle) for remedial environmental construction was approved by the City Council on May 30, 2002, under authority of Ordinance No. 95847; and

WHEREAS, Mission Trails Package II project, located in District 3, required environmental investigation to disclose waste debris within the proposed roadway alignment between Padre Drive and Military Drive, and to further identify petroleum hydrocarbons and heavy metals as having impacted the waste debris and associated soils; and

WHEREAS, the affected media, estimated at approximately 10,000 cubic yards, must be addressed and remediated according to law and regulation and Eagle is presently under contract with the City to perform specialized construction tasks governed by law and regulation; and such remediation is projected to cost \$147,539.00; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. As allowed by master contract, entitled "On-Call Professional Services Environmental and Remediation Construction Annual Contract 2002," made under authority of Ordinance No. 95847, passed and approved by the City Council on May 30, 2002, Eagle Construction and Environmental Services., L.P., (Eagle) shall be paid an amount not to exceed \$147,539.00, for environmental construction services necessary to the Mission Trails Package II project, according to Eagle's project proposal dated June 10, 2003, appended and incorporated herein verbatim for all purposes as Attachment A,

which proposal, if in conflict with the master contract between the City and Eagle, shall be governed by the master contract and the conditions of this Ordinance.

SECTION 2. To effect this Ordinance, financial adjustments shall be made as follows:

(a) The budget in fund 43-171095, 2001 Street Improvements, is revised by reducing index code 695734, entitled Unallocated Appropriations: Proceeds, by the amount of \$147,539.00.

(b) The amount of \$147,539.00 is appropriated in fund 43-171021, 2001 Street Improvements, in index code 933614, entitled Trf to 40-002082 for Mission Trails Pkg II. The amount of \$147,539.00 is authorized to be transferred from 43-171021 to 40-002082.

(c) The budget in fund 40-002082, On Call Prof Services-Environ Consulting Svc FY2001-2002, shall be revised by reducing index code 129437, entitled Funds to be Identified, and increasing index code 137273, entitled Transfer from 43-171021, by the amount of \$147,539.00.


(d) The financial allocations in this ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this ordinance.

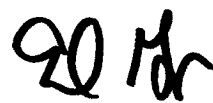
SECTION 3. Payment as provided above to Eagle Construction and Environmental Services, L.P., is hereby authorized upon performance to the City's benefit and satisfaction.

SECTION 4. This Ordinance shall be effective on July 6, 2003.

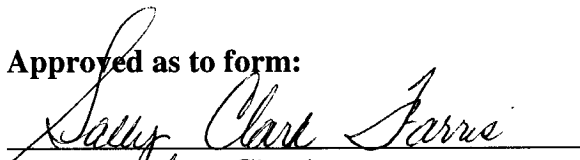
PASSED and APPROVED on this 26th day of June, 2003.

Attest:


City Clerk


MAYOR
EDWARD D. GARZA

Approved as to form:


for City Attorney